

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:11-CR-401**

UNITED STATES OF AMERICA,

vs.

MARCUS CURRY

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ORDER

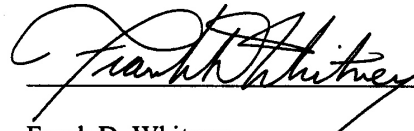
THIS MATTER is before the Court upon Defendant's Amended Motion to Appoint Expert (Doc. No. 24). In a subsequent Motion to Continue (Doc. No. 25), Defendant sought to appeal the Magistrate Judge's denial of his Motion to Appoint Expert; however, the Magistrate Judge only denied Defendant's original motion as moot (Doc. No. 23) after Defendant filed an Amended Motion for the same relief (Doc. No. 24). The Amended Motion (Doc. No. 24) has not been resolved by the Magistrate Judge and will be addressed by this Court.

Defendant seeks to have the cocaine at issue in this case sent to a Drug Enforcement Agency (DEA) laboratory for a concentration analysis, which Defendant contends is central to his defense of entrapment.

Defendant's Motion (Doc. No. 24) is hereby GRANTED and the Drug Enforcement Agency (DEA) is HEREBY ORDERED to analyze the substance at issue to determine the concentration of cocaine present in the substance. The DEA shall be permitted to perform this chemical analysis at any laboratory the agency finds adequate.

IT IS SO ORDERED.

Signed: June 14, 2012

A handwritten signature in black ink, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
United States District Judge

